

Docket No.: 66396-153

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 20277
Patrick O'MAHONY, et al. : Confirmation Number: 3797
Serial No.: 10/813,430 : Group Art Unit: Not yet assigned
Filed: March 31, 2004 : Examiner: Not yet assigned
For: SELF-CALIBRATING POSITION DETERMINATION SYSTEM AND USER INTERFACE

PETITION UNDER 37 CFR § 1.47(a)

Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts dated June 14, 2004, having a two (2) month period for response set to expire August 14, 2004, a petition for a one (1) month extension of time up to and including September 14, 2004, being filed concurrently herewith, Applicants hereby petition as follows:

A. All Available Joint Inventor(s)

In accordance with MPEP § 409.03(a)(A), the declaration of available joint inventor, Patrick O'Mahony, made on his own behalf and on behalf of nonsigning joint inventor Manjula Gururaj, as required by 37 C.F.R. § 1.64, is submitted herewith.

09/15/2004 SDIRETAK 00000039 500417 10813430

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WDC99 976409-1.066396.0153

B. Proof of Unavailability

In accordance with MPEP § 409.03(d), Ms. Brenda G. Cnudde, an Engineering Services DC/IP Assistant of Snap-on Technologies, Inc., the assignee of the above-referenced patent application, submits a declaration, attached, that fully describes the facts relied on to establish that a diligent effort was made to obtain the signed declaration of joint inventor Manjula Gururaj.

C. Last Known Address

In accordance with MPEP § 409.03(e), the last known address of Steven W. Rogers is:

480 Oak Grove Drive, Apt. 102
Santa Clara, CA 95054

D. Conclusion

As the requirements under 37 C.F.R § 1.47(a) have been met, Applicants request that this Petition be granted.

Please charge the \$130.00 petition fee and any other fees set forth in 37 CFR § 1.17(i) to Deposit Account 500417.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this

paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP


Wei-Chen Nicholas Chen
Admitted under 37 CFR 10.9(b)

600 13th Street, N.W.
Washington, DC 20005-3096
202.756.8000 WC:MWE
Facsimile: 202.756.8087
Date: September 14, 2004



Docket No.: 66396-153

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Application of

Patrick O'MAHONY, et al.

Serial No.: 10/813,430

Filed: March 31, 2004

For: **SELF-CALIBRATING POSITION DETERMINATION SYSTEM AND USER INTERFACE**

Customer Number: 20277

Confirmation Number: 3797

Group Art Unit: Not yet assigned

Examiner: Not yet assigned

**DECLARATION OF BRENDA G. CNUDDE FILED
IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.47(a)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Brenda G. Cnudde, to the best of my knowledge and belief, do hereby state as follows:

1. I am an Engineering Services DC/IP Assistant of Snap-on Incorporated, the assignee of the above-referenced patent application.
2. A number of attempts have been made to contact one of the inventors, Manjula Gururaj, to review the patent application and to sign the Declaration and Power of Attorney and Assignment forms forwarded to her.
3. On June 25, 2004, I prepared and sent a letter addressed to Ms. Gururaj at 520 Mansion Court #102, Santa Clara, CA 95054, her address on our record. The letter includes the patent application, Declaration and Power of Attorney, and Assignment for signature by Ms. Gururaj. However, no response was received from Ms. Gururaj.

4. In view of the lack of response from Ms. Gururaj, I contacted the human resource department and obtained the last known address, phone number and e-mail address of Ms. Gururaj. I prepared and sent another letter to Ms. Gururaj on July 22, 2004, at the address of 480 Oak Grove Drive, Apt. 102, Santa Clara, CA 95054. The letter includes the assignment and declaration forms for execution by Ms. Gururaj. However, again, no response was received from Ms. Gururaj. The envelope containing the letter was later returned and marked as "Returned To Sender, Forwarding Order Expired." A copy of the returned envelope is attached to this Declaration.
5. On August 3, 2004, I called Ms. Gururaj at her last known phone number to follow up the letter I sent on June 25, 2004 and July 22, 2004, and left a message asking her to contact me. However, Ms. Gururaj did not return any call.
6. On August 4, 2004, I prepared an e-mail to Ms. Gururaj at her last known e-mail address, and asked her to contact me regarding the execution of the Declaration and Power of Attorney and Assignment documents. A copy of the e-mail sent to MS. Gururaj is attached hereto. Again, no response was received from Ms. Gururaj.
7. To date, I have not been contacted by Manjula Gururaj, and have not received executed copies of the Declaration and Power of Attorney form and Assignment forms.
8. To date, despite my diligent efforts to contact Manjula Gururaj to execute the Declaration and Power of Attorney and Assignment documents, I have been unable to contact Manjula Gururaj.

9. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of any application or patent issued thereon.

Date: September 14, 2004

Brenda S. Cnudde
Brenda G Cnudde

From: Cnudde, Brenda

Sent: Wednesday, August 04, 2004 12:44 PM

To: 'gmajula@hotmail.com'

Cc: Blake, Larry

Subject: Signature Needed for Invention

Importance: High

Hi Manjula,

Attached you will find an assignment and Power of Attorney that needs your signature. Please print out, sign, date and return to:

Snap-on Diagnostics

1879 Senter Rd.

San Jose, CA 95112

Attn: Brenda Cnudde

Notarization is not needed.

Thank you,

Brenda Cnudde

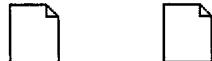
Engineering Services Assistant

Snap-on Diagnostics

408-972-2526 x435

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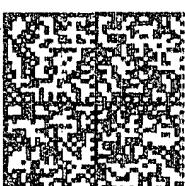
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